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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LETRINH HOANG, D.O., PHYSICIANS
FOR INFORMED CONSENT, a not-for-profit
organization, and CHILDREN'S HEALTH
DEFENSE, CALIFORNIA CHAPTER, a
California Nonprofit Corporation

Plaintiffs,

v.

ROB BONTA, in his official capacity as
Attorney General of California and,
ERIKA CALDERON, in her official capacity
as Executive Officer of the Osteopathic
Medical Board of California ("OMBC"),

Defendants.

Case No: 2:22-cv-02147-DAD-AC

**SECONDED AMENDED NOTICE
OF RELATED CASE TO:**

**(HOEG, et al., v. LAWSON et al,
Case No.: 2:22-cv-01980-WBS-AC**

TO COUNSEL OF RECORD IN *HOEG, et al., v. LAWSON et al.*, CASE NO. 2:22- cv-01980-WBS-AC

PLEASE TAKE NOTICE THAT pursuant to Local Rule 123 (2), (3), and (4), Plaintiffs by their undersigned counsel, hereby submit this Notice of Related Case regarding *Hoeg, et. al. v Lawson et. al.*, Case No 2:22-cv-01980-WBS-AC. This Notice of Related Case is required under Local Rule since Local Rule 123(a) subsections (2), (3), and (4), "Definition of Related Cases" leads undersigned counsel to have reason to believe that this action "may" be related to the *Hoeg* case presently pending before Judge Shubb. Under Local Rule 123(b), "Duties of Counsel", counsel "shall file" a Notice of Related case in each action.

1. In considering Local Rule 123(a) subsection (3), both actions are First and Fifth Amendment constitutional challenges to AB 2098 which is set to become effective on January 1, 2023 as CA Bus & Prof Code § 2270. (However, this above-captioned case adds a pendant state constitutional claim on a subject not included in the *Hoeg* case.)
2. The two cases involve similar facts to the extent that both involve the type of information which can and cannot be provided to patients under the new law
3. The instant action and *Hoeg* have a common defendant, Rob Bonta, the Attorney General of California.
4. One difference between the actions is that *Hoeg v. Lawson* seeks injunctive relief against the Medical Board of California, (and the Attorney General) while the instant action seeks relief against the Osteopathic Board of California (and the Attorney General). These two boards are the only two state administrative agencies subject to AB 2098/Bus. & Prof. Code Section 2270.
5. Another difference is that in this action there are two organizational plaintiffs. This raises an associational standing issue not present in *Hoeg v. Lawson*. In addition, the preliminary injunction motion in this case is supported by an extensive expert declaration, and primarily for that reason, Plaintiffs are seeking to call an expert and the Executive Officer of the Osteopathic Board at the hearing of the preliminary injunction motion which is currently calendared for January 17, 2023. Currently, the *Hoeg* Plaintiffs' Preliminary Injunction is set for January 9, 2023.

- 1 6. Arguably, the assignment of both cases to a single judge is likely to effect a savings of
2 judicial effort and other economies, and might lessen the risk of inconsistent decisions.
3 7. Additionally, under Local Rule 123 (a) subsection (4), there would surely be a
4 “substantial duplication of labor” if two judges in the same district are to rule on the
5 likelihood of success of a constitutional challenge to the same statute within a week of
6 each other, based on the current schedule of the preliminary injunction motions in the
7 cases.

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10 Respectfully submitted,

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Attorneys for Plaintiffs

NOTICE OF E SERVICE

I, Richard Jaffe affirm as follows:

1. I am an attorney at law admitted to practice in this court. I am not a party to this action and am over the age of 18. I am counsel of record for the Plaintiffs in this case. I submit this Notice of Electronic filing and service under penalties of perjury in under the laws of the state of California.
2. The Original Notice of Related Case is being served on the Defendants with the Summons, Complaint and Preliminary Injunction papers today. This Second Amended Notice corrects the improper case number in the Hoeg case, and deletes the last two paragraphs in the original version, and will be provided to Defense counsel upon their appearance in this case.
3. An identical Amended Notice of Related Case has been filed in the Hoeg case and all counsel listed therein have received E Service of said Amended Notice and specifically:

Plaintiffs' counsel:

Laura B. Powell, laura@laurabpowell.com
Gregory Dolin, gdolin@ubalt.edu,
Jenin Younes, jenin.younes@ncla.legal.

Defendants' counsel:

DAG Kristin A. Liska, kristin.liska@doj.ca.gov

Dated: December 7, 2022



Richard Jaffe, Esq.